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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,350	02/05/2001	Robert A. Veschi	PA1479US	5175
24341 75	590 12/07/2004		EXAMINER	
MORGAN, LEWIS & BOCKIUS, LLP.			PHAM, TUAN	
2 PALO ALTO 3000 EL CAMI			ART UNIT PAPER NUMBER 2643	
PALO ALTO,				
			DATE MAILED: 12/07/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
Advisory Action	09/777,350	VESCHI, ROBERT	A			
· · · · , · · · · · · · · · ·	Examiner	Art Unit				
	TUAN A PHAM	2643				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address						
THE REPLY FILED 16 November 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a sinal rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.						
PERIOD FOR REPLY [check either a) or b)]						
a) The period for reply expiresmonths from the mailing (e final rejection, whichever	arielater In no			
b) The period for reply expires on: (1) the mailing date of this Adverse, however, will the statutory period for reply expire later the ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS 706.07(f).	an SIX MONTHS from the mailing date o FILED WITHIN TWO MONTHS OF THI	f the final rejection. E FINAL REJECTION. S	See MPEP			
Extensions of time may be obtained under 37 CFR 1.136(a). The dathave been filed is the date for purposes of determining the period of exten 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened (b) above, if checked. Any reply received by the Office later than three mote armed patent term adjustment. See 37 CFR 1.704(b).	sion and the corresponding amount of the I statutory period for reply originally set in	efee. The appropriate ext the final Office action; or	tension fee under (2) as set forth in			
1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.						
2. \square The proposed amendment(s) will not be entered by	ecause:					
(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);						
(b) they raise the issue of new matter (see Note below);						
(c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or						
(d) they present additional claims without cance NOTE:	ling a corresponding number of	finally rejected clair	ms.			
3. Applicant's reply has overcome the following rejection	ction(s):					
4. Newly proposed or amended claim(s) would canceling the non-allowable claim(s).	be allowable if submitted in a s	separate, timely file	d amendment			
5. The a) affidavit, b) exhibit, or c) request for application in condition for allowance because:		sidered but does NO	OT place the			
6. The affidavit or exhibit will NOT be considered be raised by the Examiner in the final rejection.	cause it is not directed SOLELY	to issues which we	ere newly			
7. For purposes of Appeal, the proposed amendmen explanation of how the new or amended claims w			and an			
The status of the claim(s) is (or will be) as follows	:	·				
Claim(s) allowed:						
Claim(s) objected to:						
Claim(s) rejected: 21-31.						
Claim(s) withdrawn from consideration:	•					
B. ☐ The drawing correction filed on is a) ☐ approved or b) ☐ disapproved by the Examiner.						
9. Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s)						
10. Other:	CURATION	S KUNTZ PATENT EXAMINER				
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Application/Control Number: 09/777,350

Art Unit: 2643

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed on 11-16-2004 have been fully considered but they are not persuasive.

On pages 3-4 of the response to the Final Office Action, Applicant traverses to the rejections by arguing that the Levens et al. reference (U.S. Patent No.: 6,226,303) fails to teach or suggest, "the DTMF tones are not incoming call signals".

However, Examiner respectfully disagrees with the Applicant's arguments as stated above. Applicant should reference section 2 of the Final Office Action whereas Examiner interpreted the detecting signaling tones in an audio stream corresponding to an incoming call signals (see col.1, In.20-23, col.4, In.24-27). The signaling tones (e.g., DTMF tones) associated with the audio stream are part of the incoming call signals. The signaling tones are also being sent over the Internet. Therefore, the requirement for the incoming call signals is met.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Applicant

Application/Control Number: 09/777,350

Art Unit: 2643

traverses the rejection to claims 21, 24, 25, and 31 by mainly arguing that there is no motivation to combine Levens et al. (U.S. Patent No.: 6,226,303) with Brown (U.S. Patent No.: 5,822, 406). Examiner respectfully disagrees with the Applicant's arguments as stated above. The Levens teaches the computer telephony system for transmitting the signaling tones and data packet over the Internet. However, Brown teaches a switching circuit for automatically routing audio and data signals between telephone, speakerphone, and headset. Therefore, there is a motivation to combine the teaching of Levens with Brown since the device can detect the incoming call in order to switch for processing and then routing signals between various devices to couple to a computer system and thus the convenience can be achieved.

With all remarks in response to the Applicant's arguments, Examiner believes that the rejection to all pending claims as set forth in the Final Office Action have been proper and permissible on the merits.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tuan A. Pham** whose telephone number is (703) 305-4987. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz can be reached on (703) 305-4708 and IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.

Art Unit: 2643

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Washington, D.C. 20231

Or faxed to: (703) 872-9306

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Drive, Arlington VA, Sixth Floor (Receptionist, tel. No. 703-305-4700).

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Art Unit 2643

December 02, 2004

Examiner

Tuan Pham